

FORM SUMMARY

Name of Form: Order to Garnishee/Release of Garnishee

Form Number: GF-105

Statutory Reference: §§812.13 and 812.14 Wisconsin Statutes

Benchbook Reference:

Purpose of Form: To close a garnishment action and order the proper disposition of any amounts held or paid to the clerk.

Who Completes It: Blank copies can be available for the party to complete; the CCAP system will also generate the form.

Distribution of Form: Original to court file, copies to parties.

Accompanying Forms: Generally none.

New Form/Modification: Modification; last update 5/00.

Modifications: In the first paragraph with a check box, changed the last word in the first sentence from ‘garnishee’ to ‘debtor’.

Added a checkbox to indicate that the garnishment shall continue. This should be used in situations where the judgment debtor answers a garnishment indicating s/he is exempt from garnishment, and the Court determines that the debtor is not exempt.

Added ‘Other’ checkbox to be used in situations not covered by existing text.

Comments: The earnings garnishment forms used “creditor”, “debtor”, and “garnishee” as party types, while the previous forms contained the traditional language of “plaintiff”, “defendant”, and “garnishee defendant”. Section 801.01 defines the plaintiff as the judgement creditor and the defendant as the judgement debtor (or spouse). RMC believes that §§812.04(2) and 812.44(1)(a) allow all garnishment forms to be modified to reflect the new common usage as long as the rights of the parties are not altered.

The “Amount Due” the creditor will change based on interest, prior payments, new costs, etc. The duty to maintain records on the amount due is with the creditor, not the Clerk of Court. On the CCAP form, the amounts will have to be filled in manually because

the system will not generate those figures.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.